

THE
GLENNON
LAW FIRM P.C.
PROFESSIONAL REPRESENTATION

November 2, 2022

VIA CM/ECF

Hon. Elizabeth A. Wolford
United States District Judge
Kenneth B. Keating Federal Building
100 State Street
Rochester, New York 14614

RE: Popat v. Levy et. al.; 15-cv-1052

Dear Judge Wolford:

I write today to withdraw as moot a portion of Plaintiff's Objections to the Decision and Order of Magistrate Judge H. Kenneth Schroeder Jr., filed October 13, 2022 (the "Objections").

Section III of Plaintiff's Objections, titled "At Minimum, This Court Should Grant Curative Relief" objected on the grounds that certain of Plaintiff's requests for relief were not addressed by the Magistrate Judge in his September 29, 2022 Decision and Order (the "Order"). Specifically, the Court did not rule on Plaintiff's request to compel defendant University at Buffalo Neurosurgery Inc. ("UBNS") to update and supplement certain of its prior disclosures, and to continue the deposition of defendant Elad Levy.

On October 7, 2022, I wrote to Magistrate Judge Schroeder noting the apparent oversight in the Order and respectfully requesting a ruling on the overlooked issues. Because I was concerned that we might not receive a response, favorable or otherwise, before the time for filing objections to the Order had passed, however, we included this oversight in our Objections on October 13, 2022 pending a response from the Magistrate Judge.

As this Court is likely aware, Magistrate Judge Schroeder issued a supplementary Decision and Order on October 31, 2022. This Decision and Order addresses the requests for relief that were inadvertently overlooked in the initial Order issued on September 29, 2022. In light of this supplemental Decision and Order, Plaintiff hereby withdraws Section III of his Objections as moot. While Plaintiff is not waiving his rights to separately object to the October 31, 2022 Decision and Order, if appropriate, he acknowledges that the grounds for the objection to the initial Order set forth in Section III of his Objections are no longer applicable.

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If you have any questions, please feel free to contact me at (585) 210-2150 or
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Respectfully Submitted,

/s/ Peter J. Glennon

Peter J. Glennon

PJG:lkf

cc: Colleen K. Mattrey, Esq. (via email)
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